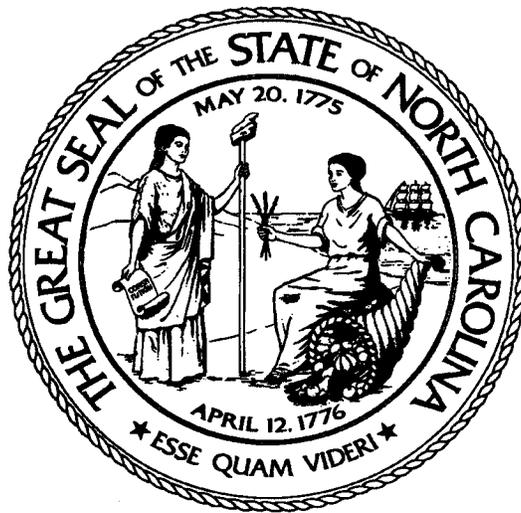


**LEGISLATIVE
RESEARCH COMMISSION**

EMERGENCY MANAGEMENT ISSUES



**REPORT TO THE
1995 GENERAL ASSEMBLY
OF NORTH CAROLINA**

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EMERGENCY MANAGEMENT ISSUES



STATE OF NORTH CAROLINA
LEGISLATIVE RESEARCH COMMISSION
STATE LEGISLATIVE BUILDING
RALEIGH 27611



January 11, 1994

TO THE MEMBERS OF THE 1995 GENERAL ASSEMBLY:

The Legislative Research Commission herewith submits to you for your consideration its interim report on Emergency Management Issues. The report was prepared by the Legislative Research Commission's Committee on Emergency Management Issues, pursuant to G.S. 120-30.17(1).

Respectfully submitted,

A handwritten signature in cursive script that reads "Dan Blue".

Daniel T. Blue, Jr.
Speaker of the House

A handwritten signature in cursive script that reads "Marc Basnight".

Marc Basnight
President Pro Tempore

Cochair
Legislative Research Commission



1993-1994

LEGISLATIVE RESEARCH COMMISSION

MEMBERSHIP

President Pro Tempore of
the Senate
Marc Basnight, Cochair

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PREFACE

The Legislative Research Commission, established by Article 6B of Chapter 120 of the General Statutes, is the general purpose study group in the Legislative Branch of State Government. The Commission is cochaired by the Speaker of the House and the President Pro Tempore of the Senate and has five additional members appointed from each house of the General Assembly. Among the Commission's duties is that of making or causing to be made, upon the direction of the General Assembly, "such studies of and investigations into governmental agencies and institutions and matters of public policy as will aid the General Assembly in performing its duties in the most efficient and effective manner" (G.S. 120-30.17(1)).

The Legislative Research Commission, prompted by actions during the 1993 Session, has undertaken studies of numerous subjects. These studies were grouped into broad categories and each member of the Commission was given responsibility for one category of study. The Cochairs of the Legislative Research Commission, under the authority of G.S. 120-30.10(b) and (c), appointed committees consisting of members of the General Assembly and the public to conduct the studies. Cochairs, one from each house of the General Assembly, were designated for each committee.

The study of emergency management issues would have been authorized by Sections 2.1 (5) of the second Edition of House Bill 1319 which passed both chambers but inadvertently was among the bills not ratified at the end of the 1993 Session. House Bill 1319 was later amended and ratified in 1994 with the Legislative Research Commission studies 2nd Edition language deleted because the Legislative Research Commission had already acted on these matters.

Part II of House Bill 1319 would allow studies authorized by that Part for the Legislative Research Commission to consider House Bill 88 (Senate Bill 75) in

determining the nature, scope and aspects of the study. The Committee was also authorized to study issue of compensation for disaster relief volunteers who are injured during and as a result of their volunteer activities. Section 2.1 (52) of House Bill 1319; (House Bill 1283/Senate Bill 1192). Section 1 of House Bill 88 provides in pertinent part that "the Legislative Research Commission may study the State emergency management program's ability in the future to adequately address preparedness, response, recovery, and mitigation for technological and natural hazards as may impact the citizens of North Carolina and their property." The relevant portions of House Bill 1319, House Bill 88, and House Bill 1283 are included in Appendix A. The Legislative Research Commission authorized this study under authority of G.S. 120-30.17(1) and grouped this study in its State and Local Government Grouping area under the direction of Senator J.K. Sherron. The Committee was chaired by Senator David R. Parnell and Representative Foyle Hightower, Jr. The full membership of the Committee is listed in Appendix E of this report. A committee notebook containing the committee minutes and all information presented to the committee is filed in the Legislative Library.

COMMITTEE PROCEEDINGS

The Committee on Emergency Management Issues met on four occasions after the adjournment sine die of the 1993 General Assembly; October 4, 1994, October 25, 1994, December 8, 1994 and December 29, 1994.

At the October 4, 1994 meeting, the Committee began its assessment of the State Division of Emergency Management's capacity to prepare and respond to natural and technological disasters. Mr. Billy Ray Cameron, Director of the Division of Emergency Management, introduced Mr. Buddy L. Jackson, the Assistant Director, who presented an overview of the Division's programs and responsibilities. Mr. Jackson's presentation was followed by those of several members of the DEM staff.

Mr. John Goad, from the N.C. Center for Missing Persons, spoke about the origin and growth of the Center. The Center's original mission was to assist in finding missing children. In 1984, its first year of operations, the Center handled approximately 200 cases. With the expansion of the Center's responsibilities 1986 to include adults and in 1987 to include a search and rescue function, the caseload increased from the initial 200 cases per year to 6,990 to date in 1994. Despite the increase in caseload, however, the Center continues to operate with the same staff as in 1984. The shortage of staffing and other resources has resulted the Center discontinuing its search and rescue function. Those responsibilities are now handled in the DEM area offices.

Mr. David Crisp addressed the Commission about the Integrated Flood Observing and Warning System (IFLOWS) in western North Carolina. The IFLOWS system consists of rain and stream gauges for monitoring rainfall and stream levels that are linked to a computer and radio network. County emergency management offices, the National Weather Service, Area Emergency Management Offices, and the State Emergency Operations Center are notified by the system of dangerous amounts of rainfall or increases in stream levels. Funding for the program is provided by the National Weather Service, except that the State is to provide maintenance for the system when it becomes operational in a county. At this time, DEM does not have personnel to fulfill the agreement.

Ms. Elaine Wathen spoke to the Commission about the responsibilities of the Radiological Emergency Preparedness (REP) program. REP is responsible for planning for radiation emergencies and is primarily responsible for planning for accidents at nuclear power plants. The staff for this program is 100% funded by Carolina Power & Light and Duke Power. Recently, however, the REP staff has been involved with planning and training for the federal Department of Energy's high-level nuclear waste shipments from foreign research reactors that were unloaded at Sunny Point, North Carolina and shipped to the DOE Savannah River Plant in Aiken, South Carolina. They are also reviewing the application for licensure for the low-level radioactive waste disposal site. Both of these activities fall outside the scope of their planning responsibilities for nuclear power plant accidents. Additional personnel is needed to meet their expanding scope of responsibilities.

Bill Gentry, Chief, Response and Recovery Branch, also addressed the Committee and spoke about the need for three additional emergency management planners. These planners administer and train local officials to administer federal funding from presidential disaster declarations. The request includes two planners for public assistance and one for individual assistance.

The afternoon portion of the meeting consisted of a presentation by Tim Bradley, Director, Fire and Rescue Commission, on training programs and standards for the certification of volunteer firemen. Certification in North Carolina is voluntary and there are no plans at the State level to make certification mandatory, although local fire departments may choose to impose such requirements upon their members.

At the October 25, 1994 meeting, the Committee reviewed a summary of the programmatic needs of the Division of Emergency Management. A detailed discussion ensued of DEM's role in the controversial shipments of high-level radioactive waste from foreign research reactors through Sunny Point, North Carolina.

The balance of the October 25 meeting focused on the issue of compensation for volunteers in State agencies who are injured in the course of their volunteer activities. The State currently has no provision to compensate for such injuries, either in the form of medical expenses or compensation for lost wages. Mr. Paul R. Wilms, Director of Regulatory Affairs for the N.C. Homebuilders Association told the Committee that his

organization had asked for the legislation proposing the study. His organization cannot encourage its membership to provide assistance for disaster relief due to the lack of workers compensation protection. The Homebuilders have declined to enter into a memorandum of agreement with DEM to provide assistance in the event of a disaster because of the potential liability of the individual contractor to his workers. Staff research on this issue showed that some states do provide workers compensation for volunteers. (See Appendix C). However, little information was available on the costs of this coverage as much of it is done on a local level. This problem is compounded by the fact that there is no data available on the number of volunteers in this State who, in the past, have participated in disaster relief. Further, there is no way to gage the number of persons for whom coverage would be needed as the number and scope of disasters, and therefore the need for volunteer assistance, varies from year to year.

On December 8, 1994 the Committee met again to consider what recommendations it wished to make to the 1995 General Assembly. The Committee voted to recommend legislation funding several positions in DEM. The positions recommended include an emergency management officer to assist with the 24 hour operation of the Emergency Operations Center, an emergency management planner and secretary for the N.C. Center for Missing Persons, and a search and rescue coordinator for the Response and Recovery Branch. The Committee chose not to propose legislation on the top 4 priorities of the Division because these items have been included in DEM's budget request to the Governor.

At the December 29, 1994 meeting the committee reviewed the draft report and proposed legislation. Copies of Governor Hunt's response to the committee's concerns regarding the shipment through North Carolina of spent nuclear fuel rods from European research reactors were distributed and the committee voted to include the letter in the report. (See Appendix D). The committee members present voted unanimously to approve the report and forward it to the Legislative Research Commission its review.

FINDINGS AND RECOMMENDATIONS

The Committee on Emergency Management Issues recommends that the 1995 General Assembly enact legislation funding several new positions within the Division of Emergency Management as set forth below. The positions recommended by this Committee are as follows:

1. An electronics technician for the Integrated Flood Observing and Warning System;
2. Two emergency management planners for the Radiological Emergency Preparedness Program;
3. Two emergency management planners for the Public Assistance Program, Response and Recovery Branch;
4. An emergency management planner for the Individual Assistance Program, Response and Recovery Branch;
5. Restoration of the emergency management officer position for the Emergency Operations Center;
6. An emergency management planner and secretary for the N.C. Center for Missing Persons; and
7. A search and rescue coordinator for the Response and Recovery Branch.

Of the seven priorities listed above, the Committee proposes legislation to fund items 5, 6 and 7. The top four priorities were included in the Division's budget proposals to the Governor and need not be included in the legislation proposed in this report. Items 5, 6, and 7 inadvertently were not included in the Division's budget request to the Governor. The Committee believes, however, that there is a substantial need for additional personnel in these areas and this funding should be given serious consideration by the 1995 General Assembly.

The Committee recommends funding for Item 5, restoration of the emergency management officer position for the Division's Emergency Operations Center (EOC), as necessary for the proper functioning of the EOC on a 24 hour per day, 7 day per week basis. The position was created in 1993 as a part of the Hazardous Materials Regional Response Team Program. Difficulties in the hiring process resulted in the position

remaining vacant for more than a year. The position therefore, fell victim to cuts made during the 1994 Regular Session. Despite the manpower shortage for the program, the EOC began 24 hour operations on November 27, 1994 utilizing existing staff on an overtime basis. The Division needs an additional Emergency Management Officer to maintain its round-the-clock operations.

Funding for Item 6 is recommended based on the tremendous expansion in caseload at the N.C. Center for Missing Persons. The Center is administratively housed with the Division but is considered a separate program. The positions to be funded include an emergency management planner and secretary. The Center has operated since 1984 with the same staff of three persons and has seen its caseload soar from 200 cases in its first year of operation to 6990 cases to date in 1994. Due to the increase in caseload, the Center had to cease its search and rescue function (this was the only area of activity that did not have a statutory mandate). The additional staff will allow the Center to meet the expanding demands on its resources and implement a number of innovative programs to reduce the incidence of abductions, especially of children.

Finally, the Committee recommends funding for Item 7, a search and rescue coordinator for the Response Branch, DEM. The Search and Rescue function was transferred out of Missing Persons in 1991 because of the heavy demands of its statutorily mandated programs. Search and Rescue activities have been carried out on a limited basis from the area offices of the Division.

The Committee, therefore, recommends to the 1995 A BILL ENTITLED AN ACT TO FUND ADDITIONAL PERSONNEL FOR THE DIVISION OF EMERGENCY MANAGEMENT AND THE NORTH CAROLINA CENTER FOR MISSING PERSONS.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

S/H

D

95-RFZ-01

THIS IS A DRAFT 3-JAN-95 17:04:36

Short Title: Funds for Div. of Emergency Mgmt.

(Public)

Sponsors:

Referred to:

1 A BILL TO BE ENTITLED

2 AN ACT TO APPROPRIATE FUNDS FOR ADDITIONAL PERSONNEL
3 FOR THE DIVISION OF EMERGENCY MANAGEMENT AND THE N.C.
4 CENTER FOR MISSING PERSONS

5 Section 1. There is appropriated from the General Fund to the
6 Department of Crime Control and Public Safety the sum of two hundred
7 sixteen thousand eight hundred and seventy six dollars (\$216,876) for the fiscal
8 year 1995-1996 and two hundred sixteen thousand eight hundred and seventy
9 six dollars (\$216,876) for the fiscal year 1996-1997 to be used to fund
10 additional positions in the Division of Emergency Management as follows:

- 11 1. \$40,960 for each year of the biennium to cover salary and
12 operational costs of an Emergency Management Officer;
13 2. \$94,271 for each year of the biennium to cover the salary and
14 operational costs of an Emergency Management Planner and
15 secretary for the N.C. Center for Missing Persons; and
16 3. \$78,645 for each year of the biennium for salary and
17 operational costs of a Search and Rescue Coordinator in the
18 Response Branch of the Division of Emergency Management.

19 Sec. 2. This act becomes effective July 1, 1995.
20

APPENDIX A

HOUSE BILL 1319, 2ND EDITION

AN ACT TO AUTHORIZE STUDIES BY THE LEGISLATIVE RESEARCH COMMISSION, TO CREATE AND CONTINUE VARIOUS COMMITTEES AND COMMISSIONS, AND TO DIRECT VARIOUS STATE AGENCIES TO STUDY SPECIFIED ISSUES.

The General Assembly of North Carolina enacts:

PART I.-----TITLE

Section 1. This act shall be known as "The Studies Act of 1993".

PART II.-----LEGISLATIVE RESEARCH COMMISSION

Sec. 2.1. The Legislative Research Commission may study the topics listed below. Listed with each topic is the 1993 bill or resolution that originally proposed the issue or study and the name of the sponsor. The Commission may consider the original bill or resolution in determining the nature, scope, and aspects of the study. The topics are:

- (5) Emergency Management Issues -- study continued (H.B. 88 - Hightower, S.B. 75 - Parnell),
- (52) Disaster Relief Volunteer Protection (H.B. 1283 - Redwine, S.B. 1192 - Doyle),

Sec. 2.2. Committee Membership. For each Legislative Research Commission Committee created during the 1993-94 biennium, the cochairs of the Commission shall appoint the Committee membership.

Sec. 2.3. Reporting Dates. For each of the topics the Legislative Research Commission decides to study under this act or pursuant to G.S. 120-30.17(1), the Commission may report its findings, together with any recommended legislation, to the 1994 Regular Session of the 1993 General Assembly or the 1995 General Assembly, or both.

Sec. 2.4. Bills and Resolution References. The listing of the original bill or resolution in this Part is for reference purposes only and shall not be deemed to have incorporated by reference any of the substantive provisions contained in the original bill or resolution.

Sec. 2.5. Funding. From the funds available to the General Assembly, the Legislative Services Commission may allocate additional monies to fund the work of the Legislative Research Commission.

PART XI.-----APPROPRIATION FOR STUDIES

Sec. 11.1. From the appropriations to the General Assembly for studies, the Legislative Services Commission may allocate funds to conduct the studies authorized by this act.

PART XII.-----EFFECTIVE DATE

Sec. 12.1. This act is effective upon ratification. Part VI of this act is repealed on June 30, 1995.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

H

1

HOUSE BILL 88*

Short Title: Continue Emergency Mgmt. Study.

(Public)

Sponsors: Representatives Hightower; Smith, Gottovi, and Wright.

Referred to: Rules, Calendar and Operations of the House.

February 9, 1993

A BILL TO BE ENTITLED

1
2 AN ACT TO AUTHORIZE THE CONTINUATION OF THE EMERGENCY
3 MANAGEMENT ISSUES STUDY.

4 Whereas, the technical, legal, and economic issues involved in the
5 provision of emergency response to natural and technological disasters are very
6 complex; and

7 Whereas, the Legislative Research Commission Study Committee on
8 Emergency Management Issues has met numerous times to discuss the varied issues
9 before it; and

10 Whereas, a majority of the Committee's time was focused on the
11 development of a regional response program for hazardous materials emergencies;
12 and

13 Whereas, many of the issues that the Commission was directed to study
14 by the 1991 General Assembly have not been fully studied and resolved; and

15 Whereas, there is a continuing need to study emergency management
16 issues and provide for comprehensive disaster planning and a disaster recovery fund;
17 Now, therefore,

18 The General Assembly of North Carolina enacts:

19 Section 1. The Legislative Research Commission may study the State
20 emergency management program's ability in the future to adequately address
21 preparedness, response, recovery, and mitigation for technological and natural
22 hazards as may impact the citizens of North Carolina and their property. In
23 conducting its study, the Commission may consider the program's ability in the future

1 to address recovery operations during Presidential and Gubernatorial declared
2 disasters, including:

3 (1) Need for Disaster Recovery Law, Disaster Recovery Fund, and
4 related staffing needs;

5 (2) Need to expand the Emergency Information System; and

6 (3) Need to respond and recover from catastrophic disasters, including
7 resource needs at State and local levels such as auxiliary power
8 requirements for vital facilities.

9 If the Commission conducts the study authorized under this act, it shall report its
10 findings together with recommended legislation, to the 1994 Session of the 1993
11 General Assembly, or to the 1995 General Assembly, or to both.

12 Sec. 2. This act is effective upon ratification.

1 Sec. 2. The Legislative Research Commission may make a report and
2 recommendations to the 1993 General Assembly, Regular Session 1994, and a final
3 report to the 1995 General Assembly.

4 Sec. 3. There is appropriated from the General Fund to the Legislative
5 Research Commission fifteen thousand dollars (\$15,000) for the 1993-94 fiscal year to
6 fund the study.

7 Sec. 4. This act is effective upon ratification.

APPENDIX B

DIVISION OF EMERGENCY MANAGEMENT
 MINIMUM PROGRAMMATIC STAFFING NEEDS

December 8, 1994

Priority	Position	Estimated Costs
Integrated Flood Observing and Warning System	Electronics Technician	\$ 31,432.00
	Program Operational Costs	<u>21,846.00</u>
	Priority 1 Total Cost	\$ 53,278.00
Radiological Emergency Preparedness	EM Planner* (2)	\$ 73,290.00
	Program Assistant	22,792.00
	Program Operational Costs	<u>37,333.00</u>
	Priority 2 Total Cost	\$133,415.00
Public Assistance Program	EM Planner* (2)	\$ 73,290.00
	Program Operational Costs	<u>54,929.00</u>
	Priority 3 Total Cost	\$128,219.00
Individual Assistance Program	EM Planner*	\$ 36,557.00
	Program Operational Costs	<u>27,643.00</u>
	Priority 4 Total Costs	\$ 64,200.00
Restoration of Emergency Management Officer	EM Officer	\$ 31,960.00
	Program Operational Costs	<u>9,000.00</u>
		\$ 40,960.00

Center for Missing Persons	EM Planner	\$ 36,645.00
	Secretary	22,792.00
	Program Operational Costs	<u>34,834.00</u>
		\$ 94,271.00
Response Branch	Search/ Rescue Coordinator	\$ 36,645.00
	Program Operational Costs	<u>42,000.00</u>
		\$ 78,645.00

*EM Planner is an abbreviation for Emergency Management Planner



Workers' Compensation Coverage for Volunteers in Selected States

<u>State</u>	<u>Type of Volunteers Covered</u>	<u>Who Pays Premium</u>	<u>Type of Compensation</u>	<u>Exceptions</u>
Florida	Only covers a volunteer for the State, county, city or other governmental entity. Does not cover volunteers with private nonprofit agencies.	The Division of Risk Management of the Dept. of Insurance bills each State agency for the next year based on last year's actuarial history of losses. Agencies budget this amount as a line item.	Medical benefits and lost wages. Lost wages are based on concurrent profession. Same benefits as full-time employees.	Covers volunteer firefighters responding to fire or medical emergencies when not on duty.
Wyoming	Covers volunteers in extrahazardous employment including: firefighters, search & rescue, ambulance personnel and hazardous substance workers. Counties and towns authorize volunteers and they are reviewed to see if they meet volunteer status by State Workers' Comp.	Premiums are paid from the budget of the authorizing county, city or town.	Medical benefits and lost wages. Lost wages are based on the requesting entity and type of job.	
South Dakota	Volunteers working for any State agency/dept. or any of its political subdivisions. Volunteers are recognized and appointed. Appointments are entered into minutes or official records of the entity.	Premiums are paid from the budget of the appointing entity - State agency/dept or political subdivision.	Medical benefits - 100% coverage. Maximum compensation for lost wages is 100% of average salary for the year.	
Washington	Volunteers must be registered and accepted by the State or agency/dept. Local governments and private nonprofit charitable organizations may cover volunteers if they give notice that they are covering all volunteers.	Premiums are paid from the budget of the agency, local government or private nonprofit that registers and accepts volunteer services.	Medical benefits only	

<u>State</u>	<u>Type of Volunteers Covered</u>	<u>Who Pays Premium</u>	<u>Type of Compensation</u>	<u>Exceptions</u>
Arizona	Volunteers for a county, city, town or other political subdivision may be covered if a resolution or ordinance describing the nature/type of work and workers to be covered has been passed.	Premiums are paid from the budget of the entity that passed the resolution asking for coverage.	Medical benefits and lost wages. The monthly wage equivalent for determining benefits may be found in the statutes. When a wage equivalent is not specified in the statutes then the resolution must state the wage equivalent.	
Nevada	Volunteers for a state or local public organization or a private nonprofit organization are covered when the organization approves coverage. Underwriters must approve volunteer status.	Premiums are paid from the budget of the organization who approved coverage.	Medical benefits and lost wages. Monthly wage is set by statute.	
	Volunteers for a private organization as part of a public program and when there is a written agreement between the public agency and private organization.	Premiums are paid from the budget of the public agency.	Medical benefits and lost wages. Monthly wage is set by statute.	Students are not covered.
Indiana	A volunteer working as an authorized emergency management worker may be covered if the local government so elects	Premiums are paid from the budget of the local government.	Medical benefits	
Virginia	Volunteers for county, city, town or other political subdivision if the governing board of the entity has adopted an authorizing resolution	Premiums are paid from the budget of the authorizing entity.	Medical benefits and lost wages. Lost wages are calculated based on the wage of primary profession.	

APPENDIX D



STATE OF NORTH CAROLINA
OFFICE OF THE GOVERNOR
RALEIGH 27603-8001

JAMES B. HUNT JR.
GOVERNOR

December 28, 1994

The Honorable David R. Parnell
The Honorable Foyle R. Hightower, Jr.
North Carolina Legislative Research Commission's
Committee on Emergency Management Issues
16 West Jones Street
Raleigh, North Carolina 27603-5925

Dear Senator Parnell and Representative Hightower:

I sincerely hope that this letter will address the issues of concern which you have expressed in your letter of December 8, 1994, regarding the United States Department of Energy's Urgent Relief Campaign for the shipment of European Spent Nuclear Research Reactor Fuel to the Department of Energy's Savannah River Site through southeastern North Carolina. I have made the safety of our citizens the top concern and I personally expressed that to Secretary O'Leary. Outlined below are steps which have been taken and are planned to ensure the preparedness of local and State responders should any future shipments of spent nuclear fuel come through the State of North Carolina.

One shipment of European Spent Nuclear Research Reactor Fuel was shipped through southeastern North Carolina on September 29, 1994. The Federal Appeals Court ruled that the shipment which was already in transit could be transported on to the Savannah River Site in South Carolina. Briefs have been filed by the State of South Carolina, the U.S. Department of Energy and the European Research Reactor owners. The Federal District Court Judge is reviewing these briefs and no ruling has been made as of this time. The U.S. Department of Energy has further assured my representatives in Emergency Management and Radiation Protection that no shipments will be made until the case is decided in Court.

In the meantime, a number of training opportunities have been made available to State and local emergency responders and public officials. The North Carolina Division of Emergency Management has an on-going Radiological training program throughout the State. State trainers are available to go to local organizations to provide courses in: The Radiological Training Series; Professional Development Courses; and Managing

The Honorable David R. Parnell
The Honorable Foyle R. Hightower, Jr.
December 28, 1994
Page 2

Emergency Operations. In addition, arrangements have been made for the U.S. Department of Energy to bring the Radiological Emergency Training for Local Responders Course (RETLR) to North Carolina. The RETLR Course was taught during August in Brunswick County with the other counties along the route in attendance. A second course is scheduled to be taught in late January 1995. State responders have attended the Radiological Emergency Response Operations Course taught by the Federal Emergency Management Agency and the Radiological Railroad Accident Course offered by the U.S. Department of Energy.

Monitoring of these shipments or any other shipments of spent nuclear fuel is addressed in the North Carolina Response Plan for the Transportation of Radioactive Materials. The North Carolina Division of Emergency Management is responsible for tracking the actual movement of the shipments from the time they enter the State until the shipments leave the State.

The North Carolina Division of Radiation Protection will be monitoring any European Spent Nuclear Fuel shipments to ensure that all casks are at or below acceptable regulatory limits as outlined in the U.S. Department of Transportation regulations. When the first shipment of spent fuel arrived at Sunny Point in September, the Division of Radiation Protection, the U.S. Department of Energy and the U.S. Nuclear Regulatory Commission all monitored the casks. The only problem identified during this operation was an equipment problem. Each of the three agencies doing radiological surveys was using a different type of instrumentation. Their readings were in different measurements. By doing conversions into one common measurement standard, all three agencies' readings were approximately the same. However, to an untrained person who got the survey reports, it would appear that there was a wide discrepancy. The North Carolina Division of Radiation Protection is working closely with the two agencies to resolve this issue.

Security for these shipments is being provided by the North Carolina State Highway Patrol. Two troopers board the train at the Sunny Point terminal in Southport and remain on the train until it reaches Florence, South Carolina. In addition, twelve troopers are in motor vehicles traveling along the rail line. Depending upon weather conditions, the Highway Patrol may also fly along the rail route just ahead of the train in their helicopter. This State security is over and above the security provided by Edlow International, Inc. which is the U.S. Department of Energy shipping contractor.

As to the condition of the rail tracks along the designated route, this issue has been addressed with CSX Transportation and

The Honorable David R. Parnell
The Honorable Foyle R. Hightower, Jr.
December 28, 1994
Page 3

the Federal Railroad Administration. This route is Class A track, it is inspected on a frequent basis both electronically and by having personnel ride the track and visually inspect it. Just prior to the September shipment, both CSX and the Federal Railroad Administration had personnel visually inspect the track. It should be noted that Carolina Power and Light Company has been shipping spent nuclear fuel along this same section of track in North Carolina since 1989 with no problems.

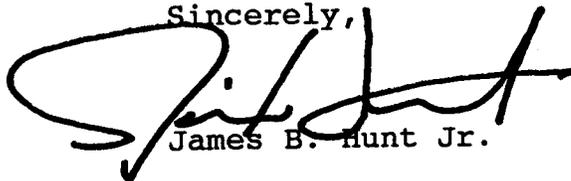
While I have identified a number of special efforts which are being made for these shipments, I would like to point out that shipments of domestic research reactor spent nuclear fuel travel through the State of North Carolina enroute to the Savannah River Site on a regular and frequent basis. We have never experienced any problems with the movement of these shipments. Both Carolina Power and Light Company and Duke Power Company have moved and continue to move spent nuclear fuel on state highways and rail lines without incident.

As to future shipments, we do not know the port of entry for the remaining 15,000 spent nuclear fuel elements still to be shipped. That will be determined upon completion of the Environmental Impact Study. That study is scheduled to be completed by the U.S. Department of Energy in June 1995. Numerous North Carolina State agencies have provided comments on earlier components of this study. These comments have been forwarded to the U.S. Department of Energy. We have two ports under consideration, Sunny Point and Wilmington. Ports in South Carolina, Georgia, and Florida are also being considered.

I feel that with the on-going training programs, planning and preparedness efforts by the Division of Emergency Management, the Division of Radiation Protection, and the State Highway Patrol, every reasonable effort is being made to ensure the safety and welfare of the citizens of southeastern North Carolina. I hope that the information provided in this letter has adequately addressed your concerns. Should you have any further questions, please contact me at any time.

My warmest personal regards.

Sincerely,



James B. Hunt Jr.

JBH:brc:new

**EMERGENCY MANAGEMENT COMMITTEE
MEMBERSHIP
1993 - 1994**

LRC MEMBER: Sen. J.K. Sherron, Jr.
4208 Six Forks Road, Suite 302
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President Pro Tempore's Appointments

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Mr. Kelly Barnhill
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Speaker's Appointments

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